

350
IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE FOR THE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

JESSE LEE WHITE, JR., Deceased,
by and through his Wife and Next Friend,
SHARON WHITE, and SHARON WHITE,
Individually,

FILED
FEB 12 2019
CIRCUIT COURT CLERK
BY *[Signature]* D.C.

Plaintiff,

v

Div III
Docket No. CT - 0615-19

SHAN KHAN, D.O. aka OMAR SHAN KHAN, D.O.;
ARNOLD E. POSTLETHWAITE, M.D.;
STEVE B. OTEINO, M.D.;
IBRAHIM A. SULTAN-ALI, M.D.;
ANNA QUANTRILLE, M.D.;
MARK ANTHONY FERRANTE, M.D.;
MOHSINAH USMANI, M.D.;
NORIMITSU KUWABARA, M.D.;
CATHY CORBETT, M.D.;
WILLIAM H. MAYS, M.D.;
MICHAEL JACEWICZ, M.D.;
MICHAEL DAVID KOPLON, M.D.;
DAVID BENEZRA, M.D.;
SANDEEPKUMAR GUPTA, M.D.;
GINA RAYMOND, M.D.;
DEBENDRA N. PATTANAIK, M.D.;
ALEXANDER MATHEW, M.D.;
DOUGLAS TAYLOR, M.D.;
JENNIFER BUTRYN, D.O.;
ADNAN NASEER, M.D.;
DANIEL RYAN WELLS, M.D.;
TIMOTHY CHEN, M.D.;
CARRIE LYNN STALLINGS, M.D.;
MUHAMMAD K. ZAMAN, M.D.;
ELIZABETH JOY TRIMBLE, M.D.;

Defendants.

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, and for cause of action against the Defendants would show unto the court as follows:

JURISDICTION AND VENUE

1. Plaintiff Sharon White is the wife and next friend of Plaintiff, decedent, Jesse Lee White, Jr. ("Jesse Lee White"). She brings this action individually and as the personal representative of Jesse Lee White and is the proper person and does so in her representative capacity. At all times pertinent hereto, Plaintiffs were residents of Shelby County, Tennessee.

2. Defendant, Shan Khan, D.O. (aka Omar Shan Khan, D.O.) upon information and belief, is a osteopathic doctor licensed to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant Omar Shan Khan may also be known as Shan Khan, as his name appears in some medical records as Shan Khan and in others as Omar Shan Khan. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant, herein.

3. Defendant, Arnold E. Postlethwaite, M.D. upon information and belief, is a medical doctor licensed to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly

served upon the Defendant, herein.

4. Defendant, Steve B. Oteino, M.D. upon information and belief, is a medical doctor licensed to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant, herein.

5. Defendant, Ibrahim A. Sultan-Ali, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

6. Defendant, Anna Quantrille, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to her at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

7. Defendant, Mark Anthony Ferrante, M.D., upon information and belief is a medical

doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

8. Defendant, Mohsinah Usmani, M.D. upon information and belief, is a medical doctor licensed to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant, herein.

9. Defendant, Norimitsu Kuwabara, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 49 North Dunlap, Suite 397, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

10. Defendant, Cathy Corbett, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be

served with process by delivering a copy of the summons and Complaint to her at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

11. Defendant, William H. Mays, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

12. Defendant, Michael Jacewicz, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

13. Defendant, Michael David Koplon, M.D. upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 251 S. Claybrook, A212, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court.

Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

14. Defendant, David Benezra, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

15. Defendant, Sandeepkumar Gupta, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

16. Defendant, Gina Raymond, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

17. Defendant, Debendra N. Pattanaik, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1211 Union Avenue, Suite 200, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

18. Defendant, Alexander Mathew, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

19. Defendant, Douglas Taylor, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

20. Defendant, Jennifer Butryn, D.O., upon information and belief is a osteopathic doctor license to practice medicine in the State of Tennessee, whose principal place of

business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to her at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

21. Defendant, Adnan Naseer, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

22. Defendant, Daniel Ryan Wells, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

23. Defendant, Timothy Chen, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 401 Baptist Drive Suite 104, Madison, MS 39110. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same

address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

24. Defendant, Carrie Lynn Stallings, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to her at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

25. Defendant, Muhammad K. Zaman, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to him at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly served upon the Defendant herein.

26. Defendant, Elizabeth Joy Trimble, M.D., upon information and belief is a medical doctor license to practice medicine in the State of Tennessee, whose principal place of business is 1030 Jefferson Avenue, Memphis, Tennessee 38104. Defendant may be served with process by delivering a copy of the summons and Complaint to her at the same address herein. Defendant is subject to the jurisdiction and venue of this court. Plaintiffs specifically allege that valid service of process has been issued and properly

served upon the Defendant herein.

27. Plaintiffs' cause of action arises in tort and as a result of injuries and damages due to the negligence and malpractice of these Defendants in Shelby County, Tennessee.

28. Plaintiffs' cause of action has been filed within the applicable statutory time period.

29. Plaintiffs have complied with the notice requirements set forth in Tennessee Code Annotated Section 29-26-121(a). The supporting documentation specified in subdivisions (a)(2), (a)(3)(B), and (a)(4), to include the actual notice letters sent to each Defendant, the certificate of mailing, and an affidavit of the party mailing the notice are attached hereto.

FACTS

30. On October 19, 2017, Plaintiff's decedent, Jesse Lee White, was taken to the V.A. Medical Center Hospital at Memphis for back pain and inability to ambulate due to weakness in his legs. He was evaluated and admitted with a potential diagnosis of rhabdomyolysis / statin myopathy.

31. Jesse Lee White had been on statins for high cholesterol. It was suspected that the statins had caused a rhabdomyolysis which resulted in his leg weakness. Rhabdomyolysis can be either autoimmune or non-autoimmune.

32. The statin was discontinued and a steroid was administered to treat Jesse Lee White's rhabdomyolysis. Jesse Lee White began to show improvement. It was noted that Jesse Lee White was able to move his legs off the bed without assistance, move his feet and wiggle his toes.

33. On the evening of October 26, 2017 Jesse Lee White was started on a medication called CellCept. This is a strong immunosuppressive drug given to organ transplant patients to prevent organ rejection.

34. Once, Jesse Lee White was placed on the immunosuppressive agent, his condition began to deteriorate. On November 2, 2017, Jesse Lee White was admitted to the Intensive Care Unit suffering from severe septic shock.

35. Jesse Lee White's condition continued to deteriorate as a result of the septic shock and on November 17, 2017, Jesse Lee White died.

36. As a result of the deviations of the standard of care by Defendants, either directly or through their agents, (actual, apparent or ostensible), servants, or employees, Jesse Lee White sustained injuries, damages and great pain and suffering and ultimately an untimely death.

37. At all times pertinent herein, the Defendants were responsible either directly, or through their agents, apparent agents, servants, or employees, for providing health care services to the Plaintiff. The Plaintiff was caused to suffer injuries, damages and untimely death proximately caused by the negligence and malpractice of the Defendants, as set forth hereinafter.

ACTS OF NEGLIGENCE

38. The Defendants are guilty of the following acts of negligence, each and every act being a direct and proximate cause of the injuries and damages to Plaintiffs:

- a. negligently and carelessly failing to exercise that degree of skill and care as required of reasonable, prudent healthcare providers under the same or similar circumstances;
- b. negligently and carelessly deviating from the standard of care that is required and expected of Defendants as they existed under the circumstances;

- c. negligently and carelessly failing to perform the appropriate diagnostic work up and testing;
- d. negligently and carelessly failing to obtain proper informed consent for the treatment proposed and recommended;
- e. negligently and carelessly failing to properly and appropriately diagnose and treat the Plaintiff;
- f. negligently acting with less than, or failing to act with ordinary and reasonable care in accordance with the recognized standard of acceptable professional practice.

39. Had the Defendants adhered to the requisite standard of care, Jesse Lee White would have received the appropriate treatment and not have suffered injuries, damages and untimely death.

INJURIES AND DAMAGES

40. Plaintiff, Jesse Lee White, as a direct and proximate result of the above acts of negligence, suffered the following injuries and damages which would have not occurred but for the Defendants' negligence:

- a. great fright and shock;
- b. great physical pain and suffering;
- c. great mental and emotional anguish;
- d. large medical expenses;
- e. untimely and wrongful death;
- f. funeral expenses;
- g. loss of the enjoyment of life; and

h. all other damages recoverable under the laws of Tennessee.

41. As a result of the deviations from the standard of care by Defendants, either directly or through their agents, apparent agents, servants, or employees, Sharon White, suffered severe and extreme emotional distress in her role as wife of Jesse Lee White as recognized in **Henderson v. Vanderbilt**, No. M201601876COAR9CV, 2017 WL 2361948, (Tenn Ct. App. May 31, 2017).

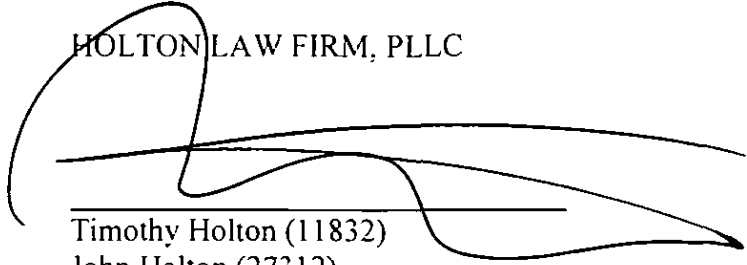
RELIEF SOUGHT

WHEREFORE, premises considered, Plaintiff prays for damages in the amount of ten million dollars (\$10,000,000.00), and reserve the right to amend this pleading to conform to the facts as they may develop, for costs and interest and for all other relief justified by the facts under the law or equity.

PLAINTIFFS DEMAND A JURY OF TWELVE TO TRY THESE ISSUES WHEN JOINED.

Respectfully submitted,

HOLTON LAW FIRM, PLLC



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